

and in possession of Albert Steinfeld & Co., Tucson, Ariz., alleging that the product had been shipped on or about November 18, 1912, by the E. G. Lyons and Raas Co., San Francisco, Cal., and transported in interstate commerce from the State of California into the State of Arizona, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On one head of barrels) "Superior high grade California brandy"; the words "superior" and "high grade" are in type one and one-half ($1\frac{1}{2}$) inches in height; the words "California brandy" are one (1) inch in height; on the other head of each barrel appears "Brandy a Compound Proof 90" on two barrels and "Brandy a Compound Proof 80" on one barrel, and internal revenue stamp "349817," "The E. G. Lyons and Raas Co. Rectifiers 535-51, Folsom Street, San Francisco, A. C. Donnell, U. S. Gauger, 1st Dist. Cal.," the words "Brandy a Compound" are in type three-fourths ($\frac{3}{4}$) of an inch high, the words and figures "proof 90" and "proof 80" are also three-fourths ($\frac{3}{4}$) of an inch high, the remainder of the lettering and figures are one-half ($\frac{1}{2}$) inch high.

It was alleged in the libel that an imitation brandy had been added to the product and substituted in whole or in part therefor; that the production and strength of the article by the addition of this imitation product and its substitution therefor in whole or in part constituted an adulteration in violation of section 7 of the act of Congress commonly designated as Food and Drugs Act, paragraphs first and second under Food; that the same was labeled "Superior High Grade California Brandy," when it consisted largely or wholly of an imitation product and was so labeled and branded in violation of section 8 of said act, paragraphs second and fourth thereof under Food; that said food substance was misbranded in violation of said act of Congress of June 30, 1906, and said labeling and branding as aforesaid was misleading and false so as to deceive and mislead the purchaser, and so as to offer the contents for sale under the distinctive name of another article and, therefore, misbranded within the meaning of said act of Congress.

On January 20, 1914, no claimant having appeared for the brandy, after hearing the testimony on the part of libellant, judgment of condemnation and forfeiture was ordered, and it was ordered by the court that the product be sold by the United States marshal after relabeling the same "Imitation Brandy."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3035. Adulteration and misbranding of Scuppernong wine. U. S. v. 3 Barrels So-called Scuppernong Wine. Decree of condemnation. Product ordered sold. (F. & D. No. 5048. S. No. 1691.)

On February 13, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of three barrels, each containing six dozen bottles of a product purporting to be Scuppernong wine, remaining unsold in the original unbroken packages and in possession of F. S. and O. H. Roemler, a copartnership, doing business as the Pacific Wine Co., Indianapolis, Ind., alleging that the product had been shipped or transported from the State of Ohio into the State of Indiana and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled (on barrels, on one side) "Ohio Wine," (on the head of each barrel) "Glass. This side up. 72 Bottles. Keep from freezing Pacific Wine Co., Indianapolis, Ind." (On bottles, neck label) "Pleasant refreshing"; (on principal label) "Pleasant refreshing Ohio Scuppernong Wine."

Adulteration of the product was alleged in the libel for the reason that it purported to be Scuppernong wine, for which a base wine, sweetened and flavored in imitation of Scuppernong wine, had been substituted for Scuppernong wine and with which Scuppernong wine had been mixed a base wine, sweetened and flavored in imitation

of Scuppernong wine so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the brands and labels as to the ingredients and substances contained in the product purporting to be Scuppernong wine were false and misleading, in that, in truth and in fact, the product was a wine made wholly or in part from other wine or wines or a base wine, sweetened and flavored in imitation of Scuppernong wine, and the statements contained on the brands and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On June 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be sold at public sale by the United States marshal after the obliteration of all marks, brands, and labels thereon and after labeling same as follows: "A compound and mixture of pomace and other wines."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3036. Adulteration of desiccated eggs. U. S. v. 1 Barrel of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5050. S. No. 1698.)

On February 17, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of desiccated eggs, remaining unsold in the original unbroken packages and in possession of Griggs-Cooper & Co., St. Paul, Minn., alleging such product had been shipped on January 15, 1913, by the Joe Lowe Co., Dallas, Tex., and transported from the State of Texas into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Dried Eggs—Jo Lo Brand—Griggs Cooper Co., Minnesota Transfer, Minnesota—Tracer to follow—Keep Cool—Dry—Head up—Rush—Perishable—Most direct route—Mdse car—19285—1—23, Frisco—St. Louis."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance and was unfit for food.

On September 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3037. Adulteration and misbranding of strawberry juice. U. S. v. E. H. Dunn. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5051. I. S. No. 18-e.)

On June 20, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eli H. Dunn, a member of the copartnership of E. H. Dunn & Son, Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 13, 1912, from the State of Missouri into the State of Kansas, of a quantity of strawberry juice which was adulterated and misbranded. The product was labeled: (On barrel) "Dunn's Natural Strawberry Juice For Carbonating Made from Choice Ripe Strawberries. A pure Fruit Body for Pop or Fountain Use. Contains added artificial Flavor and Color and 1-10 of 1% Benzoate preservative. U. S. Serial No. 21791. E. H. Dunn & Son, 3820 Main St., Kansas City, Mo." (On shipping tag) "From E. H. Dunn & Son, Natural Fruit Juices, etc. To Cox Bottling Co., Wichita, Kans."